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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,033	02/19/2004	Arthur Wong	9165	4266
27752	7590	03/08/2006	EXAMINER	
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			LONEY, DONALD J	
			ART UNIT	PAPER NUMBER
			1772	
DATE MAILED: 03/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,033

Applicant(s)

WONG ET AL.

Examiner

Donald Loney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/10/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's election without traverse of Group II in the reply filed on December 15, 2005 is acknowledged.

Specification

2. The disclosure is objected to because of the following informalities: on page 4, line 18, a claim number is referred to. Since claim numbers are subject to change, the specification should not contain a reference thereto. Correction is required. See MPEP § 608.01(b). Also note there are numerous references to application serial numbers in the specification, which should be updated by the applicant.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 27-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 27-32 and 38-40 the phrase "at least about" is vague and indefinite barring a showing in the specification as to what the values around the endpoint are envisioned to be encompassed by the word "about". *Ex parte Lee*, 31 USPQ2d 1 105 (BdPatApp&Int. 1993). In the instant case, Applicant has used the mathematical

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expression "at least about" (or its equivalents). In the present case, the phrase used has exact meaning (i.e., "at least") which are combined with a non-exact modifier (i.e., about). As such, the expressions are indefinite since the exact expression(s) "at least" and require(s) an exact endpoint and the modifier "about" removes that exact endpoint. Only in cases where it is clear from provided experimental data what the "about" is intended to encompass are the phrases "at least about" (or their equivalents) considered definite.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 27-32, 36, 37, 38-40, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al (2001/0029966).

Wong et al discloses a nonwoven cleaning sheet, paragraph [0011]. Wong et al does fail to specifically disclose the void volume under pressure recited by applicant (i.e. it is silent thereto). Wong et al discloses a higher void volume versus the prior art in order to provide more surface area in order to trap particles, paragraph [0061] and [0062], which increases cleaning efficiency. This is also the applicant's intent over the prior art as discussed on page 3, lines 21-35 of the specification.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Wong et al to form a cleaning sheet with the recited void volume under pressure motivated by the fact the more void volume the better at cleaning the sheet is. Wong et al specifically teaches to increase the void volume over the prior art for this purpose. This is also the applicant's intent over the prior art as discussed on page 3, lines 21-35 of the specification. The handle and cleaning of the hard surface, per claims 36, 37, 44 and 45) are disclosed in claims 31-39.

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9. Claims 27-35 and 38-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Zilg et al (5725927) or EP 0032793 to Marsan et al.

Both references disclose a nonwoven cleaning sheet. Both references disclose pillow shaped members formed on the surface of the sheet. The pillows in Zilg et al are 4-50mm long X 2-10mm wide X 0.5-5mm height. The pillows in Marsan et al are 25.4 mm long X 25.4mm wide X 4.5-5mm height. These are all within the applicants range set forth in claims 35 and 43. Refer to figure 1 in Zilg et al along with column 2, lines 10-56 and column 3, lines 63-65. Refer to figures 1-3 in Marsan et al along with page 3, lines 13-20, page 4, lines 8-18, page 5, lines 28-32, page 6, lines 26-38, page 13, lines 19-23 and claims 1 and 12. The primary references fail to disclose the specific void volume under pressure as recited in the claims (i.e. is silent as thereto). However, Marsan et al in claims 1 and 12, along with the sections referred to by the examiner, Marsan et al recognizes the fact one desires to maintain a large void volume under pressure in order to provide superior cleaning from he sheet. This is also the applicant's intent over the prior art as discussed on page 3, lines 21-35 of the specification.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to the primary references to form a cleaning sheet with the recited void volume under pressure motivated by the fact the more void volume the better at cleaning the sheet is. Marsan et al specifically provides motivation for maintaining high void volume under pressure in order to increase cleaning efficiency of the sheet. This is also the applicant's intent over the prior art as discussed on page 3, lines 21-35 of the specification.

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10. Claims 36, 37, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Zilg et al or Marsan et al as applied to claims 27-35 and 38-43 above, and further in view of Wong et al.

The primary reference teaches the invention substantially as recited except for the cleaning handle and wiping of the above claims. See the 35 U.S.C. 102 rejection above.

Wong et al discloses to use a cleaning sheet with a handle and cleaning a surface there with in claims 31-39.


Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to the primary references to use a handle and clean a hard surface with the cleaning sheets, as taught by Wong et al, motivated by the fact Wong et al discloses this is known to be done with cleaning sheets and Marsan et al discloses other types of cleaning sheets can be constructed from the pad thereof (page 8, lines 1-6).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon, Tues, Thurs and Fri. 8AM-4PM, flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Donald Loney
Primary Examiner
Art Unit 1772

DJL:D.Loney
03/05/06